

**IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
ABILENE DIVISION**

**ROBERT AYALA TIJERINA,**

**Plaintiff,**

**VS.**

**MICHAEL J. ASTRUE,**  
**Commissioner of Social Security,**

**Defendant.**













**Civil Action No. 1:08-CV-151-C**  
**ECF**

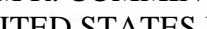
## ORDER

**THIS MATTER** comes before the court on the Report and Recommendation filed March 2, 2010 (Doc. 26). No written objections have been filed.

**IT IS, THEREFORE, ORDERED** that the findings and conclusions in the Report and Recommendation are **ADOPTED** as the findings and conclusions of the court and that this cause is reversed and remanded to the Commissioner for further proceedings pursuant to 405 U.S.C. § 405(g).

Upon remand, the ALJ should comply with the remand order of the Appeals Council in all respects, including further development of the record in the form of a medical expert opinion regarding the nature and severity of Plaintiff's orthopedic impairment and to offer an opinion as to whether such impairment met or equaled in severity any section of the Listing of Impairments.

Dated March 18, 2010.

  
SAM R. CUMMINGS  
UNITED STATES DISTRICT COURT